

FINAL ENVIRONMENTAL ASSESSMENT

Pine Nut Herd Management Area Horse Gather Plan

Finding of No Significant Impact

DOI-BLM-NV-C020-2010-0019-EA

October 20, 2010



BACKGROUND

The Proposed Action Alternative evaluated under Environmental Assessment (EA) # DOI-BLM-NV-C010-2010-0019 is to gather approximately 185 wild horses, remove 67 excess wild horses that have become established outside of the Pine Nut Herd Management Area (HMA) to include 17 horses frequenting private property. Approximately 45 head of mares will be treated with the fertility control vaccine Porcine Zona Pellucida (PZP-22) to facilitate Appropriate Management Levels (AMLs) and release 118 horses back into the HMA. The BLM intends, if necessary, to return to the HMA in 2-3 years to gather and re-treat the mares to maintain the population control measures. A population inventory conducted in 2008 documented 177 horses in the HMA. The current projected population estimate is 302 horses.

FINDING OF NO SIGNIFICANT IMPACT

Based upon the review of the Clan Alpine, Pilot Mountain and Pine Nut Herd Management Area Gather Plan DOI-BLM-NV-C020-2010-0019-EA and its associated administrative record, it is my determination that the implementation of the Proposed Action will not have significant environmental impacts beyond those already addressed in EA # DOI-BLM-NV-C020-2010-0019 and that the proposed Action is in conformance with the Carson City Field Office Consolidated Resources Management Plan (CRMP) adopted in 2001. I have determined that the Proposed Action Alternative is not a major federal action, and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. Therefore, the preparation of an environmental impact statement (EIS) or a supplement to the existing environmental assessment does not need to be prepared.

CONTEXT AND INTENSITY

This finding and conclusion is based on the consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the *context* and the *intensity* of impacts described in the EA or as articulated in the letters of comment.

Context: The Proposed Action Alternative is a site-specific action located on public lands administered by the BLM CCDO in Carson, Douglas, and Lyon Counties, Nevada which by itself does not have international, national, regional, or state-wide importance.

Intensity: The following discussion is based on the relevant factors that should be considered in evaluating intensity as described in 40 CFR 1508.27:

1. Impacts that may be both beneficial and adverse. A significant affect may exist even if the Federal agency as described believes that on balance the affect will be beneficial.

I have determined that none of the direct, indirect or cumulative impacts associated with the Proposed Action Alternative are significant, individually or combined. The EA evaluated both beneficial and adverse impacts of the gather, vaccination of mares with fertility control PZP-22 and removal of wild horses. Potential impacts include injuries to wild horses from capture, processing, transfer and holding; and affects to the populations through changes in herd population dynamics, age structure or sex ratio and subsequently to the growth rates and population size over time. Other short term impacts include disturbance (within gather sites) to vegetation, noxious weeds, invasive weeds, livestock grazing, general wildlife, migratory birds, BLM sensitive species, BLM designated sensitive species, health and safety (EA Sections 4.0 - 5.0).

The Proposed Action Alternative to gather approximately 185 wild horses, remove approximately 67 excess horses that have become established outside of the Pine Nut HMA, treat approximately 45 head of mares with a fertility control vaccine and release 118 horses back into the HMA would be consistent with the CRMP, facilitate the AML management objectives and maintain a thriving natural ecological balance and multiple use relationship consistent with other resource needs.

Implementation of the Proposed Action Alternative is expected to be beneficial for wild horse health, public safety (by mitigating wild horse/vehicle collisions), vegetative resources, riparian zones, wildlife habitat, livestock grazing, soils and watersheds. The action results in fewer wild horses being placed in short/long term holding facilities and the adoption sale pipeline.

The BLM Contracting Officer Representative (COR) and Project Inspector (PI) assigned to the gather will be responsible for ensuring contract personnel abide by the contract specifications and the Standard Operating Procedures (SOPs) (EA Appendix B). Ongoing monitoring for forage condition and utilization, water availability, aerial population surveys, and animal health will continue. Fertility control monitoring will be continued in accordance with the SOPs (EA Appendix A). Public Health and Safety monitoring will be conducted in accordance with the Wild Horse Gather Public Observation Protocol (EA appendix H) and BLM IM No. 2010-164.

2. The degree to which the proposed action affects public health or safety.

The Standard Operating Procedures for Population-level Fertility Control Treatments (EA Appendix A), Standard Gather Operating Procedures (EA, Appendix B), Wild Horse Gather Public Observation Protocol (EA, Appendix H) and BLM IM No. 2010-164 would be used to conduct the gather and are designed to protect human health and safety, as well as the health and safety of the wild horses. The Proposed Action Alternative could have a minor effect on public health or safety during helicopter operations and around holding corrals. In accordance with IM No. 2010-164, the public will not be permitted to enter corrals or pens or be in direct contact with the animals. The Proposed Action Alternative would have minimal affect to public health or safety.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The BLM Interdisciplinary Team (ID) identified the following Supplemental Authorities as being not present and present/not affected: Air Quality, Areas of Critical Environmental Concern, Cultural Resources Environmental Justice, Farm Lands Prime or Unique, Forests and Rangelands, Floodplains, Native American Religious Concerns, Threatened and Endangered Species (plant and animal), Wastes Hazardous or Solid, Water Quality, Wild and Scenic Rivers and Wilderness. The ID team identified the following Supplemental Authorities as being present/may be affected: Invasive, Nonnative and Noxious Species, Migratory Birds, Human Health/Safety, and Wetlands/Riparian Zones. Resources other than Supplemental Authorities identified as being present/may be affected include: BLM Designated Sensitive Species, General Wildlife, Vegetative Resources, Wild Horses, Livestock Grazing and Soils/Watersheds. The

Supplemental Authorities and Resources other than Supplemental Authorities that may be present and may be affected were evaluated in EA # DOI-BLM-NV-C020-2010-0019.

A review of previous cultural inventories was conducted for the holding and trap sites as identified for the Pilot Mountain gather. The locations are within previous inventoried locations or areas of existing disturbance. In the event that any location is relocated a member of the BLM cultural staff will facilitate the process.

Native American tribes notified of the Pilot Mountain gather included the Fallon Paiute-Shoshone, Walker River Paiute, Washoe of Nevada and California and Yerington Paiute Tribes. No concerns were identified for the Pilot Mountain HMA gather by the consulted Tribes.

Trap sites and holding facilities will not be allowed within a Wilderness Study Area (WSA). Motorized vehicles are restricted to authorized designated (cherry stemmed) roads within the WSAs.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The affects of the gather are well known and understood. BLM CCDO has conducted numerous wild horse gathers over the past 35 years. Gather Plans and EAs for the Pine Nut HMA have been prepared, most recent removals were conducted in 2000, 2003, 2006, 2007, 2008, and 2009. The 2003 horse gather removed 232 horses both inside and outside of the HMA. The frequency of all the additional wild horse removals were directly related to complaints from private landowners and wild horses living outside of the HMA. Annually wild horses are involved and killed by vehicle collisions in and surrounding the private lands. No unresolved issues have been identified following public notification of the proposed action. This is demonstrated through the effects analysis in the EA.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The analysis provided in the EA does not indicate that this action would involve any unique or unknown risks. Relevant components of the human environment which would be either affected or potentially affected by the Proposed Action Alternative and other alternatives were addressed through the affects analyzed in this EA. The only updates required to the Supplemental Authorities of the human environment were for the wildlife and migratory bird sections. The affects of wild horse gathers have resulted in fairly consistent (beneficial) outcome to wild horses and to biological and cultural resources.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

Over the next 10-20 year period, reasonably foreseeable future actions include multiple use decisions for grazing permits, invasive/noxious weed projects, AML adjustments and gathers about every three years to revaccinate the mares and remove excess wild horses to manage population size within the established AML ranges. Any future wild horse management would be analyzed in appropriate NEPA process and analyzed under a site-specific NEPA document. The Proposed Action Alternative does not set a precedent for future actions.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

The Proposed Action Alternative would achieve a stable wild horse population, reduce competition for limited forage and water resources, and promote healthier wild horses and rangelands. Over the short and long term consistently managing wild horses within the established AML range will achieve a thriving natural ecological balance and multiple use relationship on the public lands in the area. The Proposed Action Alternative is not related to other actions with individually insignificant but cumulative impacts.

8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.*

The Proposed Action Alternative has no potential to adversely affect significant scientific, cultural, or historical resources.

9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973.*

The Pine Nut HMA is in the Pine Nut sage-grouse population management unit (PMU). The PMU contains two breeding populations and large areas of nesting, summer, and winter habitat. Wild horses have been observed around the lek and brooding areas that occur in the portion of the PMU that is within the HMA. The Proposed Action Alternative will improve sage-grouse habitat within the project area, as it will reduce utilization and trampling of riparian/wetland areas, and will improve the condition of native perennial vegetative communities. The Proposed Action Alternative will have no affect to any federally listed species under the ESA.

10. *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

The Proposed Action Alternative is in compliance with the CRMP. The Proposed Action Alternative is consistent with Statutes, regulations and policies of neighboring local, county, State, Tribal governments and other federal agencies. The Proposed Action Alternative is in conformance with the Wild Free-Roaming Horse and Burro Act of 1971 (WFRHBA as amended) and applicable regulations at 43 CFR § 4700. The Proposed Action Alternative does not violate or threaten to violate any federal, State, or local law or requirement imposed for the protection of the environment.


Linda J. Kelly
Field Manager
Sierra Front Field Office

10.20.10
Date